

MINUTES

IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PLANNING COMMISSION PUBLIC FINANCING AUTHORITY

FEBRUARY 3, 2010

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

***SPECIAL AND REGULAR CLOSED SESSION MEETINGS – 5:30 P.M.
REGULAR MEETING – 6:00 P.M.***

CALL TO ORDER

MAYOR JANNEY called the Special and Regular Closed Session Meetings to order at 5:30 p.m.

ROLL CALL

Councilmembers present: Bragg, Rose
Councilmembers absent: McCoy
Mayor present: Janney
Mayor Pro Tem present: King

Staff present: City Manager Brown; City Attorney Lyon; Deputy City Clerk Wolfson

CLOSED SESSION

MOTION BY ROSE, SECOND BY BRAGG, TO ADJOURN TO CLOSED SESSION UNDER:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION/APPOINTMENT

Pursuant to Government Code Section 54957:

Title: City Attorney

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:

Property: 771 Palm Ave., Imperial Beach, CA 91932, APN: 626-250-05

Agency Negotiator: City Manager

Negotiating Parties: Wylde Sydes Boutique c/o James Sides

Under Negotiation: Instruction to Negotiator will concern price and/or terms of payment

Property: 773 Palm Ave., Imperial Beach, CA 91932, APN: 626-250-05

Agency Negotiator: City Manager

Negotiating Parties: Hanh Tran dba J&T Nail Salon

Under Negotiation: Instruction to Negotiator will concern price and/or terms of payment

MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	BRAGG, ROSE, KING, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	MCCOY

MAYOR JANNEY adjourned the meeting to Closed Session at 5:31 p.m. and he reconvened the meeting to Open Session at 6:00 p.m. Reporting out of Closed Session, MAYOR JANNEY announced Council met earlier in Closed Session, received information from staff, and had no reportable action.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:01 p.m.

ROLL CALL

Councilmembers present:	Bragg, Rose
Councilmembers absent:	McCoy
Mayor present:	Janney
Mayor Pro Tem present:	King

Staff present:	City Manager Brown; City Attorney Lyon; Deputy City Clerk Wolfson
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PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

COUNCILMEMBER ROSE requested that Item No. 6.1 be taken immediately after Consent Calendar.

MOTION BY ROSE, SECOND BY KING, TO TAKE ITEM NO. 6.1 – UPDATE ON THE RELOCATION OF THE IMPERIAL BEACH CERTIFIED FARMERS MARKET IMMEDIATELY AFTER CONSENT CALENDAR. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	BRAGG, ROSE, KING, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	MCCOY

MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/REPORTS ON ASSIGNMENTS AND COMMITTEES

COUNCILMEMBER BRAGG attended the League of California Cities conference in Sacramento January 21-22; she spoke about the LOCC's efforts to stop the State from raiding local governments' coffers to balance the State budget and its efforts to promote economic stimulus and job creation; she commented that LOCC staff have been getting inquiries from legislative offices on how local agencies regulate chickens in residential areas; she announced that Dave Allan of La Mesa has been elected as the new chair and Casey Tanaka of Coronado as the vice chair for the Heartland Communications JPA Board; and Borrego Springs has opted out of the JPA, but Sycuan has expressed an interest in joining; she spoke about the Relay for Life to be held May 15-16.

MAYOR PRO TEM KING reported on the progress of the Bayshore Bikeway Committee's bridge segment to be done at a later date for bicyclists to get past Navy base entrances at 32nd Street; he spoke about the South County Economic Development Council meeting where they discussed the properties at the Chula Vista Nature Interpretative Center and the old Rohr

property, both slated for development; they added there is a potential land swap between the Port of San Diego and Pacifica Companies.

MAYOR JANNEY added that the land swap was approved, as announced at a meeting he and City Manager Brown recently attended; he commented that the Port followed the City's lead and really held Pacifica to a strict set of rules; he will meet with Mr. Israni of Pacifica tomorrow morning to discuss the Seacoast Inn development; he and Councilmember McCoy attended the SANDAG Summit where they discussed how transportation interfaces with land uses.

COMMUNICATIONS FROM CITY STAFF

CITY MANAGER BROWN spoke about a recent Tijuana River team meeting where they learned that Tijuana has started construction on sediment basin which should help reduce some of the initial flow due to heavy rains; Homeland Security has contracted with private people to revegetate land that had been draining during heavy rains and this will help cut back on some of the silt going to the estuary; he spoke on the recent IBWC meeting where the new commissioner was in attendance and a status report on upgrading the plant to achieve secondary standards, it is hoped that by March 2011 the effluent coming out of it will meet legal requirements.

PUBLIC COMMENT

TIM O'NEAL thanked the City for its responsiveness to the Palm Avenue street end during the heavy rains and for continuing to monitor the situation; he asked for help related to damages caused by storms and high ocean conditions.

MAYOR JANNEY also thanked staff for their efforts and their proactiveness before the storm; he commented that discussions have taken place with the Port of San Diego regarding the Palm Avenue street end and hopes that its resolution will also help neighboring property owners.

PRESENTATIONS (1.1)

1.1 NAVY PRESENTATION ON DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR SILVER STRAND TRAINING COMPLEX. (0620-80)

CAPTAIN LINDSEY YANCY, of the U.S. Navy, gave a PowerPoint presentation on the draft Environmental Impact Statement that will go forward for the Silver Strand Training Complex; he stressed that tonight's meeting was to have an overview of the project and formal comments must be made through the Navy's website or at the open house to be held in the near future.

MAYOR JANNEY thanked Captain Yancy for the presentation and for involving Imperial Beach.

CAPTAIN YANCY responded to Council's comments regarding the nine-year lag in getting this project done by stating that priorities have changed since 9/11.

CONSENT CALENDAR (2.1 - 2.5)

With regard to Item No. 2.3, ALBERT KNECHT expressed concern about the text in the contract referring to the City Attorney's loyalty to the Council and staff, stating the City Attorney should also be loyal to the citizens.

MOTION BY BRAGG, SECOND BY KING, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.5. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	BRAGG, ROSE, KING, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	MCCOY

2.1 MINUTES.

Approved the minutes of the Regular City Council Meeting of December 16, 2009.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 70218 through 70317 with the subtotal amount of \$417,330.40 and Payroll Checks 42179 through 42227 with the subtotal amount of \$144,998.39, for a total amount of \$562,328.79.

2.3 RESOLUTION NOS. 2010-6848 AND R-10-208 – AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH MCDUGAL, LOVE, ECKIS, BOEHMER & FOLEY TO REDESIGNATE THE CITY ATTORNEY/GENERAL COUNSEL. (0440-30)

Adopted resolutions.

2.4 RESOLUTION NO. 2010-6844 – AMENDING JOB DESCRIPTION FOR MAINTENANCE WORKER II. (0510-20)

Adopted resolution.

2.5 RESOLUTION NO. 2010-6849 – SALE OF SURPLUS PROPERTY. (0380-45)

Adopted resolution.

REPORTS (6.1)

6.1 UPDATE ON THE RELOCATION OF THE IMPERIAL BEACH CERTIFIED FARMERS MARKET. (0130-30 & 0600-20)

Correspondence from the following individuals was submitted as Last Minute Agenda Information.

- Maile Gangel-Kerr
- Rule Cole
- Susan Fuller
- IB Beautiful Board Members to BID Board Members (letter dated 01/29/10)
- IB Beautiful Board Members
- Bob Miller
- Michel Dedina
- Kathleen Burton

CITY MANAGER BROWN introduced the item.

CITY ATTORNEY LYON stated that the purpose of tonight is to give an update only on a potential location and to give opportunity to ask questions; as of yet no formal application for the CUP has been submitted or location selected; once it has been submitted, a formal public hearing will be held.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a status report; he reported that staff has been working on a proposed site plan with the farmers market managers and IB Beautiful to address parking and tenant issues.

MAYOR JANNEY acknowledged the number of farmers market supporters in attendance at tonight's meeting; he discussed the process that needs to be gone through; and he thanked staff for their hard work.

DEANNA ROSE, Farmers Market Manager, introduced David Ellis.

DAVID ELLIS, of IB Beautiful, thanked the supporters in attendance; he requested assistance with the cost of the Conditional Use Permit and/or support in obtaining a temporary business permit (additional speaking time donated by Jill Linder and Michelle Edlin).

DEANNA ROSE thanked City staff for their hard work; she asked for support in bringing to Pier Plaza; she asked the City for help with the CUP and business permits; she expressed concern that vendors are losing interest in participating in this farmers market while a new location is selected.

FABRICE GAUNIN, of Cow-A-Bunga Ice Creamery, supported the Pier Plaza location due to food vendors already there, seating, and pier scenery.

Council discussion ensued regarding the number of supporters; the process that needs to be gone through, including working with the Port and County of San Diego; supporting the location in concept only and the use of public lands for the farmers market; and allowing temporary outdoor sales permits or special event permits.

COMMUNITY DEVELOPMENT DIRECTOR WADE commented that staff brought forward the idea of issuing temporary outdoor sales permits until a final permit could be obtained; however, the municipal code only allows four temporary outdoor sales permits per year and that the County's Department of Environmental Health permits need to be obtained first; he responded to Council's questions regarding the CUP process and the public hearing process; he added that the Port also requires permits that need to be secured prior to issuing any outdoor sales permits.

ORDINANCES – INTRODUCTION/FIRST READING/PUBLIC HEARING (3.1)

3.1 ORDINANCE NO. 2010-1097 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING SECTION 15.50 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO FLOOD DAMAGE PREVENTION. (0770-95)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a report on the item

TIM O'NEAL asked how this ordinance affects personal property flood damage caused by mitigation efforts of property owners.

COMMUNITY DEVELOPMENT DIRECTOR WADE responded that this ordinance regulates development on private property and helps the City reduce the potential for flood damage; it does not cover debris in the ocean that damages property; it allows the City to participate in insurance programs; he responded to Council by stating that we are eligible for FEMA assistance by being active participants in the program; he addressed concerns of Council and gave a PowerPoint presentation at this time showing the 500-year and 100-year floodplain areas.

MAYOR JANNEY closed the public hearing and called for the reading of the title of Ordinance No. 2010-1097.

DEPUTY CITY CLERK WOLFSON read the title of Ordinance No. 2010-1097, "An Ordinance of the City Council of the City of Imperial Beach, California, AMENDING SECTION 15.50 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO FLOOD DAMAGE PREVENTION."

MOTION BY KING, SECOND BY BRAGG, TO WAIVE FURTHER READING AND DISPENSE INTRODUCTION BY TITLE ONLY, AND SET THE MATTER FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING OF FEBRUARY 17, 2010. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	BRAGG, ROSE, KING, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	MCCOY

ORDINANCES – SECOND READING & ADOPTION (4.1)

4.1 ORDINANCE NO. 2010-1096 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING SECTION 8.30.030 (DEFINITION OF "PRIORITY DEVELOPMENT PROJECT CATEGORY") AND CHAPTER 8.32 (STANDARD URBAN STORMWATER MITIGATION PLAN (SUSMP)) OF THE IMPERIAL BEACH MUNICIPAL CODE. (0770-85)

CITY MANAGER BROWN introduced the item.

MAYOR JANNEY called for the reading of the title of Ordinance No. 2010-1096.

DEPUTY CITY CLERK WOLFSON read the title of Ordinance No. 2010-1096, "An Ordinance of the City Council of the City of Imperial Beach, California, AMENDING SECTION 8.30.030 (DEFINITION OF "PRIORITY DEVELOPMENT PROJECT CATEGORY") and CHAPTER 8.32 (STANDARD URBAN STORMWATER MITIGATION PLAN (SUSMP)) OF THE IMPERIAL BEACH MUNICIPAL CODE."

MOTION BY ROSE, SECOND BY KING, TO DISPENSE SECOND READING AND ADOPT ORDINANCE NO. 2010-1096 BY TITLE ONLY. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	BRAGG, ROSE, KING, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	MCCOY

PUBLIC HEARINGS (5.1 - 5.2)

5.1 JOHN HAUPT (APPLICANT/OWNER); A REGULAR COASTAL PERMIT (CP 080061), DESIGN REVIEW CASE (DRC 080062), AND SITE PLAN REVIEW (SPR 080063) FOR THE CONSTRUCTION OF A ROOF OVER AN EXISTING SECOND FLOOR DECK OF A COMMERCIAL UNIT (BEACH CLUB GRILLE DBA SAM'S HAPPY CHEF) OF A MIXED-USE CONDOMINIUM COMPLEX LOCATED AT 710 SEACOAST DRIVE #F (APN 625-182-10-51) IN THE C-2 (SEACOAST COMMERCIAL) ZONE. MF 1000. (0600-20)

COUNCILMEMBER BRAGG announced that she has not worked at the Grille since November and requested the opportunity to participate in this discussion.

CITY ATTORNEY LYON clarified that she must disqualify herself from the item until a year has passed since she received income.

COUNCILMEMBER BRAGG left Council Chambers at 7:27 p.m.

MAYOR PRO TEM KING announced he had ex parte communications with the applicant on this item.

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

ASSOCIATE PLANNER FOLTZ gave a PowerPoint presentation on the item; he commented that the Design Review Board recommended skylights, which may be nice for their aesthetic appeal but would require maintenance, and staff has not made requirement for skylights.

Discussion ensued regarding the skylights, the potential heat generated by installing skylights, floor-to-ceiling height requirements, and height limit requirements; it was noted that the 15-foot indoor ceiling height requirement only applied to the first floor of commercial space.

JOHN HAUPT, applicant, commented that the minimum height of the project would be eight feet, but he would not exceed the height limit; he stated the roof will have just enough slope to carry rainfall and the interior roof would be sloping; he spoke of the desire to enclose the patio so it can remain open year round; and added that his is the only beach-view restaurant in I.B. (additional speaking time donated by Tim O'Neal).

STEVE FUTTERMAN spoke in support of the project.

GARY SHASKY spoke in support of the item.

JESSI SITAR spoke in support of the item.

SHARON CHAVARRY spoke in support of the item.

JENNETH LANTZ spoke in support of the item.

JAN KOONTZ spoke in support of the item.

AVEDIS APOSTALO spoke in support of the item.

MAYOR JANNEY closed the public hearing.

COUNCILMEMBER ROSE expressed concern about the small space which may get too hot and she suggested the applicant look at other ways to open the bottom row of windows to open; she expressed her opposition to skylights.

MOTION BY KING, SECOND BY ROSE, TO ADOPT RESOLUTION NO. 2010-6845 AS PRESENTED BY STAFF, APPROVING REGULAR COASTAL PERMIT (CP 080061), DESIGN REVIEW CASE (DRC 080062), AND SITE PLAN REVIEW (SPR 080063), WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	ROSE, KING, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	MCCOY
DISQUALIFIED:	COUNCILMEMBERS:	BRAGG (DUE TO A POTENTIAL CONFLICT OF INTEREST)

5.2 FIVE-YEAR IMPLEMENTATION PLAN. (0640-80)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

MOTION BY BRAGG, SECOND BY KING, TO CONTINUE THE PUBLIC HEARING TO THE NEXT REGULAR MEETING OF FEBRUARY 17, 2010 AT 6:00 P.M. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	BRAGG, ROSE, KING, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	MCCOY

REPORTS (6.1 - 6.3)

6.2 RESOLUTION NO. 2010-6847 – ACCEPTING THE PALM AVENUE LOW FLOW URBAN RUNOFF DIVERSION PROJECT FINAL REPORT. (0770-10)

CITY MANAGER BROWN introduced the item.

ENVIRONMENTAL PROGRAM MANAGER HELMER gave a PowerPoint presentation on the item.

City Council voiced their appreciation for staff in obtaining the grants for construction of the diverter.

MOTION BY BRAGG, SECOND BY KING, TO ADOPT RESOLUTION NO. 2010-6847 – ACCEPTING THE FINAL REPORT FOR THE PALM AVENUE LOW FLOW URBAN RUNOFF DIVERSION PROJECT. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	BRAGG, ROSE, KING, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	MCCOY

6.3 RESOLUTION NO. 2010-6846 – APPROVING FY 2008-09 ANNUAL REPORTS FOR THE SAN DIEGO BAY AND THE TIJUANA RIVER WATERSHED URBAN RUNOFF MANAGEMENT PROGRAMS. (0770-87)

Annual Reports for the San Diego Bay and Tijuana River Watershed Urban Runoff Management Programs were submitted as Last Minute Agenda Information.

CITY MANAGER BROWN introduced the item.

ENVIRONMENTAL PROGRAM MANAGER HELMER gave a PowerPoint presentation on the item; he spoke about the collaborative efforts by the cities to prepare these reports.

Council expressed appreciation for the hard work and the time expended by staff and other cities on this item.

MOTION BY BRAGG, SECOND BY ROSE, TO ADOPT RESOLUTION NO. 2010-6846 – APPROVING FISCAL YEAR 2008-09 ANNUAL REPORTS FOR THE TIJUANA RIVER AND SAN DIEGO BAY WATERSHED URBAN RUNOFF MANAGEMENT PROGRAMS. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	BRAGG, ROSE, KING, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	MCCOY

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 8:18 p.m.

James C. Janney, Mayor

Lisa Wolfson, CMC
Deputy City Clerk